

FILED: September 21, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1899
(3:18-cv-01795-JMC)

SOUTH CAROLINA ELECTRIC & GAS COMPANY

Plaintiff - Appellant

v.

SWAIN E. WHITFIELD, in his official capacity as Chairman of the South Carolina Public Service Commission; COMER H. RANDALL, in his official capacity as Commissioner of the South Carolina Public Service Commission; JOHN E. HOWARD, in his official capacity as Commissioner of the South Carolina Public Service Commission; ELLIOTT F. ELAM, JR., in his official capacity as Commissioner of the South Carolina Public Service Commission; G. O'NEAL HAMILTON, in his official capacity as Commissioner of the South Carolina Public Service Commission; THOMAS J. ERVIN, in his official capacity as Commissioner of the South Carolina Public Service Commission

Defendants - Appellees

and

JAMES H. LUCAS, "Jay" Speaker of the South Carolina House of Representatives; HUGH K. LEATHERMAN, SR., "Senator Leatherman" in his official capacity as the President Pro Tempore of the South Carolina Senate

Intervenors/Defendants - Appellees

and

ELIZABETH B. FLEMING, in her official capacity as Commissioner of the

South Carolina Public Service Commission; ROBERT T. BOCKMAN, in his official capacity as Commissioner of the South Carolina Public Service Commission

Defendants

O R D E R

Upon consideration of the relative submissions, the court denies appellant's emergency motion for injunction pending appeal and to expedite the decision and denies appellees' motion to dismiss the appeal for lack of subject matter jurisdiction. The court grants South Carolina Attorney General Alan Wilson's motions for leave to file an amicus brief and supplemental amicus brief and accepts the briefs for filing.

The parties are directed to address the issue of jurisdiction in addition to any other issues in their principal briefs on appeal.

The clerk shall set an appropriate briefing schedule and tentatively calendar this case at the next available session.

For the Court

/s/ Patricia S. Connor, Clerk